



### **JURISDICTION AND VENUE**

3. Jurisdiction over the statutory violation alleged is conferred pursuant to 28 U.S.C. § 1331 and 29 U.S.C. § 630(f). Supplemental jurisdiction over Plaintiff's state law claims pursuant to Ohio Title 4112 is conferred pursuant to 28 U.S.C. § 1367.

4. Venue is proper in the Southern District of Ohio Eastern Division because all actions took place within Franklin County, Ohio.

5. Plaintiff satisfied all pre-requisites for filing this lawsuit, including but not limited to obtaining a Notice of Right to Sue from the Equal Employment Opportunity Commission (hereafter the "EEOC Notice"). A copy of the EEOC Notice is attached hereto as Exhibit A.

### **FACTUAL ALLEGATIONS**

6. Plaintiff incorporates the allegations in the preceding paragraphs as if fully rewritten herein.

7. Plaintiff was born on January 11, 1966 and at all times relevant hereto was over the age of 40.

8. Plaintiff worked for Defendant for fourteen years. For the past five years, Plaintiff was the Physician Practice Manager for Dublin Family Medicine.

9. As the Practice Manager, Plaintiff managed the administrative part of the practice including the administrative staff and nurses. Plaintiff did not have any patient contact.

10. Plaintiff's supervisor was Cintia Ulloa-Hays.

11. Prior to Cintia becoming Plaintiff's supervisor, Plaintiff received good performance evaluations.

12. In 2023, Cintia rated Plaintiff poorly on her performance evaluation for her Associate Engagement Surveys (“AES”) that were completed by her subordinates. Defendant requires employees to complete surveys regarding their supervisors.

13. Defendant mandates that the AES are completed by every employee and encourages supervisors, such as Plaintiff, to remind their staff to complete them so there is 100% compliance.

14. In accordance with Defendant’s instructions, Plaintiff reminded her staff to complete the AES surveys by the deadline.

15. Cintia interviewed Plaintiff’s subordinates, specifically Plaintiff’s subordinates under the age of 40 regarding the AES.

16. During Plaintiff’s performance review, Cintia determined that Plaintiff had pressured her subordinates into giving her higher scores on the AES. As a result, Cintia rated Plaintiff poorly on her performance evaluation.

17. Plaintiff was charged with monitoring attendance for administrative staff and nurses.

18. One staff member, Amanda, was routinely tardy to work. In May 2024, Plaintiff reported Amanda’s tardiness to a physician at the practice. As a result, Amanda was issued a corrective action. Amanda is in her 20s.

19. In July 2024, Amanda resigned from Defendant for a remote role.

20. The office staff had a tradition to celebrate employees’ work for the practice and their new roles when they resigned by posting memes around their desks on their last day of work.

21. Pursuant to the practice’s tradition, Plaintiff and other employees printed out memes and decorated Amanda’s desk area with candy for her last day of work.

22. After Amanda's last day, Cintia initiated an investigation into Plaintiff for bullying Amanda by leaving memes and candy at her desk.

23. Several of Plaintiff's coworkers of varying ages under the age of 40 also left memes and candy on Amanda's desk but were not investigated.

24. For example, Sandy Mohammad, Lauren Murphy, Emilee Bailey, and Taylor Bradley are all in their 20s and Jenna Everett, and Lorena Ramirez are in their 30s and all regularly participated in similar acts of decorating employees' desks for special occasions.

25. On August 1, 2024, Defendant terminated Plaintiff.

**COUNT I – AGE DISCRIMINATION ADEA & OHIO TITLE 4112**

26. Plaintiff hereby incorporates the allegations set forth in the preceding paragraphs as if fully rewritten herein.

27. Plaintiff is over the age of 40 and was qualified to perform her job duties.

28. Plaintiff is substantially older than the individuals currently performing her job duties.

29. The reason Plaintiff was terminated was because of Plaintiff's age.

30. Defendant was specifically aware of Plaintiff's age at the time she was terminated and treated Plaintiff differently than other similarly situated employees that were under the age of 40 or substantially younger than Plaintiff.

31. Defendant's conduct was intentional.

32. Defendant's conduct was at all times in violation of the Age Discrimination in Employment Act and Ohio Title 4112.

33. Defendant acted with malice and/or reckless malfeasance toward Plaintiff's protected rights and for such willful conduct, Defendant is liable for liquidated and punitive damages.

34. As a direct and proximate result of Defendant's conduct in contravention of Age Discrimination in Employment Act and Ohio Title 4112 as set forth above, Plaintiff has suffered damages including, but not limited to, emotional and physical distress, suffering, inconvenience, mental anguish, loss of enjoyment of life, lost wages and income and other benefits to which Plaintiff was entitled in an amount to be determined at trial.

WHEREFORE, Plaintiff Richelle Kreber prays that this Court award a judgment against Defendant OhioHealth Physician Group, Inc. on all counts, for compensatory and punitive damages including, but not limited to, emotional and physical distress, suffering, inconvenience, mental anguish, loss of enjoyment of life, punitive damages, lost wages and income and other benefits to which Plaintiff is entitled in an amount to be determined at trial and an award of Plaintiff's costs and reasonable attorney fees incurred relating to this action; ALL TOGETHER WITH such other relief as may be just, necessary and proper.

Respectfully submitted,

KEMP, SCHAEFFER & ROWE CO., L.P.A.

/s/Erica Ann Probst

Erica Ann Probst (0073486)

Andrea L. Salvino (0097768)

88 West Mound Street

Columbus, Ohio 43215

Telephone: (614) 232-8692

Facsimile: (614) 469-7170

Email: [Erica@ksrlegal.com](mailto:Erica@ksrlegal.com)

[ASalvino@ksrlegal.com](mailto:ASalvino@ksrlegal.com)

*Counsel for Plaintiff*

**JURY DEMAND**

Now comes Plaintiff, by and through counsel, and hereby demands that a jury hear the above case.

Respectfully submitted,

KEMP, SCHAEFFER & ROWE CO., L.P.A.

/s/Erica Ann Probst

Erica Ann Probst (0073486)

Andrea L. Salvino (0097768)

88 West Mound Street

Columbus, Ohio 43215

Telephone: (614) 232-8692

Facsimile: (614) 469-7170

Email: [Erica@ksrlegal.com](mailto:Erica@ksrlegal.com)

[ASalvino@ksrlegal.com](mailto:ASalvino@ksrlegal.com)

*Counsel for Plaintiff*